

EXHIBIT B

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ROBERT G. WINGO,)
Plaintiff,)
vs.) No. 08 C 368
THYSSENKRUPP MATERIALS NA,)
INC., d/b/a COPPER AND BRASS,)
Defendant.)

Deposition of RANDY E. LUNT, called for examination, taken pursuant to notice, agreement and by the provisions of the Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before PATRICIA A. ARMSTRONG, a Notary Public within and for the County of DuPage, State of Illinois, and a Certified Shorthand Reporter, No. 084-1766, of said state, taken at 29 South LaSalle Street, Chicago, Illinois, on the 29th day of May, 2008 at 7:30 a.m.

1 by the foreman?

2 A. I don't recall the exact date. It
3 was in 2005.

4 Q. Any other documents that you reviewed
5 to prepare for the deposition?

6 A. I am sorry.

7 Q. Are there any other documents that
8 you reviewed to prepare for the deposition, other
9 than what you already told me?

10 A. I don't recall. I may have looked at
11 a couple of my letters written to Mr. Wingo.

12 Q. And what is your date of birth, sir?

13 A. January 5, 1954.

14 Q. What is your current age?

15 A. Fifty-four.

16 Q. Where do you reside?

17 A. Glen Ellyn.

18 Q. What is your current home address?

19 A. One North 661 River Drive,
20 Glen Ellyn, Illinois.

21 Q. And how long have you resided on
22 River Drive in Glen Ellyn, Illinois?

23 A. Approximately three years.

24 Q. Is your current residence a home or

1 Q. In what position did you begin in
2 your employment with Copper and Brass Sales?

3 A. Second shift supervisor.

4 Q. And how long did you hold the second
5 shift supervisor position with Copper and Brass
6 Sales?

7 A. Approximately one year.

8 Q. And what is the next position that
9 you held with Copper and Brass Sales after about
10 one year as the second shift supervisor?

11 A. First shift supervisor.

12 Q. How long did you hold the first shift
13 supervisor position at Copper and Brass Sales?

14 A. I am not positive. I am going to
15 guess two years.

16 Q. What was your next position at Copper
17 and Brass?

18 A. General foreman.

19 Q. How long were you general foreman at
20 Copper and Brass Sales?

21 A. I don't remember exactly. I am going
22 to estimate two years.

23 Q. And after general foreman, what was
24 the next position that you held?

1 A. Plant manager.

2 Q. Do you recall what year you became
3 the plant manager at Copper and Brass Sales?

4 A. I am sorry, I do not.

5 Q. Are there any other positions that
6 you have held at Copper and Brass Sales?

7 A. No.

8 Q. Do you hold an ownership interest in
9 Copper and Brass Sales?

10 A. No.

11 Q. What do you currently earn as the
12 plant manager at Copper and Brass Sales?

13 MR. DISBROW: I am going to object as to
14 relevant.

15 But you can answer the question.

16 BY THE WITNESS:

17 A. Approximately \$85,000.

18 BY MS. WEGNER:

19 Q. And what are your duties and
20 responsibilities as the plant manager of Copper
21 and Brass Sales?

22 A. I am responsible for shipping,
23 receiving, production, safety, disciplinary
24 action, training, quality, hiring and firing.

1 Q. Now, do you currently supervise
2 anyone as the plant manager of Copper and Brass
3 Sales?

4 A. I have four warehouse supervisors,
5 two full-time office personnel in and one-part
6 time office personnel. There are also 37 hourly
7 employees.

8 Q. Do the hourly employees at Copper and
9 Brass Sales report directly to you?

10 A. Not directly to me, indirectly.

11 Q. What is the business of Copper and
12 Brass Sales?

13 A. They are a metal distributor.

14 Q. What are the number of items of
15 product that are sold or distributed from the
16 Copper and Brass Sales location in Schaumburg?

17 A. Can you please clarify that question?

18 Q. Yes. Do you have a catalog of items
19 that are sold or distributed from the Schaumburg
20 location?

21 A. I do not. I can only tell you that
22 we have approximately 2000 part numbers.

23 Q. What were the gross sales of Copper
24 and Brass Sales from the Schaumburg location in

1 Q. Are the work and safety rules for the
2 Schaumburg facility that we have marked as Exhibit
3 No. 5, those that were in effect when
4 Mr. Wingo was last employed there in December of
5 2007?

6 A. Yes.

7 Q. The work and safety rules that are
8 contained in Exhibit No. 5 are those that govern
9 the conduct of the employees that were subject to
10 the Collective Bargaining Agreement at the
11 Schaumburg location of Copper and Brass Sales?

12 A. Could you repeat that? I am not sure
13 I understood it.

14 MS. WEGNER: Sure. Would you read it back,
15 Pat.

16 (WHEREUPON, the record was
17 read by the reporter.)

18 MR. DISBROW: I am sorry, that sounded more
19 like a statement than a question.

20 Jan, maybe it's better if you just
21 ask it again.

22 BY MS. WEGNER:

23 Q. Are the work and safety rules that
24 are listed in Exhibit No. 5 those that govern the

1 employees subject to the Collective Bargaining
2 Agreement at the Copper and Brass Sales Schaumburg
3 location?

4 A. Yes.

5 Q. Does the Copper and Brass Sales
6 attendance policy fall under any of these
7 categories of work and safety rules contained in
8 Exhibit 5?

9 A. It's actually a separate document. I
10 would love to see if it actually overlaps.

11 MR. DISBROW: And I will just object to the
12 degree the document speaks for itself.

13 BY MS. WEGNER:

14 Q. Were you involved in the decision to
15 terminate Mr. Wingo's employment?

16 A. Yes, I was.

17 Q. Who else was involved in the decision
18 to terminate Mr. Wingo's employment?

19 A. His immediate supervisor also played
20 a part. I don't recall if I contacted our HR
21 group prior to the decision. I believe the
22 decision was more based on my --

23 MS. WEGNER: Pat, can you read back that
24 response.

1 (WHEREUPON, the record was
2 read by the reporter.)

3 BY THE WITNESS:

4 A. My review of the case, and it was my
5 decision.

6 BY MS. WEGNER:

7 Q. And who is the immediate supervisor
8 of Mr. Wingo that you said played a part in the
9 decision to terminate him?

10 A. Mark DeMien.

11 Q. What was Mr. DeMien's part that he
12 played in the decision to terminate Mr. Wingo?

13 A. He had been responsible for most of
14 the documentation in the last several years of
15 Mr. Wingo's failure to perform his tasks properly
16 as an employee.

17 He also came across Mr. Wingo's
18 production sheets showing that he had falsified
19 company documents.

20 Q. Now, despite any performance
21 deficiencies on the part of Mr. Wingo, he was
22 employed by Copper and Brass Sales for about 24
23 years; isn't that right?

24 A. That would be correct.

1 Q. When was the decision made to
2 terminate Mr. Wingo?

3 A. I am not sure what day he was
4 terminated, but it was the day of his termination.

5 Q. To your knowledge, what policy or
6 policies were violated by Mr. Wingo that resulted
7 in his termination?

8 A. He was terminated for falsifying
9 company records, which is a Category D fork rule
10 violation.

11 Q. Does Copper and Brass Sales have a
12 progressive discipline policy?

13 A. Yes, they do.

14 Q. Mr. Wingo did not receive progressive
15 discipline in connection with his violation that
16 resulted in his termination; correct?

17 MR. DISBROW: Objection; foundation,
18 mischaracterizes earlier testimony.

19 MS. WEGNER: Could I have an answer?

20 MR. DISBROW: You can answer it if you
21 know.

22 BY THE WITNESS:

23 A. Mr. Wingo had been given numerous
24 verbal written warnings, he had been given a

1 one-day suspension, a three-day suspension and
2 finally terminated for his -- because of errors,
3 plus the Category D, as shown on the work and
4 safety rules, is first offense termination.

5 MS. WEGNER: Pat, would you mark that as
6 the next exhibit.

7 (WHEREUPON, a certain document
8 was marked Lunt Deposition
9 Exhibit No. 6, for identification,
10 as of May 29, 2008.)

11 BY MS. WEGNER:

12 Q. Mr. Lunt, Exhibit No. 6 are documents
13 produced by the Defendant Copper and Brass Sales,
14 Bates stamped 00684 and 685.

15 Do you recognize this?

16 A. It appears to be the job description
17 of the warehouse position -- warehouseman
18 position, I should say.

19 Q. And the job description for warehouse
20 position that is marked as Exhibit 6 is dated
21 effective April 16, 2007; correct?

22 A. Correct.

23 Q. Since the version of the general
24 warehouse corporate job description that we have

1 Q. Are all the warehousemen at the
2 Schaumburg Copper and Brass Sales location
3 expected to be able to function in any position in
4 the warehouse?

5 MR. DISBROW: Objection. It's an
6 incomplete hypothetical.

7 You can answer, if you know.

8 BY THE WITNESS:

9 A. The goal was to eventually train
10 everyone at every location for every position.

11 BY MS. WEGNER:

12 Q. And for the warehousemen at the
13 Schaumburg location of Copper and Brass Sales, how
14 many different positions are there?

15 BY THE WITNESS:

16 A. They vary. We have several work
17 stations that are dedicated to warehousemen.
18 There is overlap between operators and
19 warehousemen and overlap between helpers and the
20 warehousemen. I believe there are four or five
21 different set positions there.

22 BY MS. WEGNER:

23 Q. What are the titles of the four or
24 five different set positions at the warehouse?

1 A. They are all considered warehousemen.
2 There are different work stations.

3 Q. What is the work that is performed at
4 the different work stations by the warehousemen at
5 the Schaumburg location?

6 A. We have RBW nonprocessing, they fill
7 RBW nonprocessed orders. We have the sheet
8 station, they fill nonprocessed sheet station
9 orders.

10 There is shipping and receiving, but
11 both of those can be done by helpers. Packaging,
12 and also PVC, where a coating of PVC is applied to
13 raw material.

14 Q. What does the initial RBW stand for?

15 A. Rod, bar and wire.

16 Q. And into what category do those
17 persons fall who are filling orders?

18 A. It would be a warehouse position.

19 Q. Well, does someone who is doing order
20 filling fall into the category of shipping and
21 receiving?

22 A. Our shipping and receiving people can
23 fill orders and do on a regular basis. That's not
24 their primary function.

1 Q. What was Mr. Wingo's position at
2 Copper and Brass Sales just prior to his
3 termination?

4 A. RBW nonprocessing.

5 Q. In Mr. Wingo's position at the
6 Schaumburg location of Copper and Brass Sales in
7 RBW nonprocessing, what were his job duties?

8 A. It was to pull material, inspect it,
9 verify the accuracy of the work order, read,
10 understand and follow all work order instructions,
11 package the material according to the
12 instructions, weigh it, stamp the weight. And
13 then once done that, enter that information into
14 the system, generating a shipping label and attach
15 that shipping label to the material.

16 Q. Prior to Mr. Wingo's termination from
17 Copper and Brass Sales, how long had he been in
18 the assignment in RBW nonprocessing?

19 A. I really can't answer that. He had
20 been there numerous times in the past and moved
21 throughout the warehouse, and probably there for
22 at least several months prior to his termination,
23 if not longer.

24 Q. In Mr. Wingo's performance of his

1 duties in RBW nonprocessing, did his performance
2 depend on other employees on his shift to
3 accurately and efficiently perform their duties?

4 MR. DISBROW: Objection; incomplete
5 hypothetical.

6 You can answer it.

7 THE WITNESS: I am not sure what she is
8 asking on that.

9 Can you please repeat that?

10 BY MS. WEGNER:

11 Q. In Mr. Wingo's last position in RBW
12 nonprocessing, did his successful performance of
13 his duties depend on other employees accurately
14 and efficiently completing their job duties?

15 MR. DISBROW: Same objection.

16 BY THE WITNESS:

17 A. Not really. I mean, the side loader
18 driver would stage material, but it still was
19 Bob's responsibility to do his job properly.

20 BY MS. WEGNER:

21 Q. What would the material be that a
22 side loader would stage for Mr. Wingo?

23 A. It would be RBW or parts, parts dock.
24 It would be bundles of materials that Bob would

1 pull work orders from, whether they are full
2 bundles or partial bundles.

3 Q. To your knowledge, would it be
4 necessary for Mr. Wingo to wait on occasion for
5 someone, such as the side loader, to pull material
6 for Mr. Wingo to have access to it?

7 A. It's possible. It would be rare,
8 though.

9 During those rare occasions, Bob was
10 capable of using his fork truck to pull his own
11 material down for himself.

12 Q. In the RBW nonprocessing position,
13 was Mr. Wingo responsible for the PVC coat
14 process?

15 A. No.

16 Q. On the Schaumburg location of Copper
17 and Brass Sales, was the PVC coating contained on
18 rolls?

19 A. Yes.

20 Q. And this PVC coating is a material
21 that is applied to the metal so it's not
22 scratched; right?

23 A. It has several purposes, but one of
24 them is to prevent scratches.

1 DeMien swore at Mr. Wingo when Pat Bishop was
2 assisting Mr. Wingo to lift a PVC roll?

3 MR. DISBROW: Objection as to foundation;
4 assumes facts not in evidence.

5 You can answer the question.

6 BY THE WITNESS:

7 A. I am not aware of Mark DeMien
8 swearing at Bob Wingo.

9 I am aware of Bob Wingo and Pat
10 Bishop both receiving letters of counsel for
11 wasting time and talking at the PVC station.

12 BY MS. WEGNER:

13 Q. Did Mr. Wingo have any discussion
14 with you regarding the incident that occurred for
15 which he got a letter of counsel for talking and
16 wasting time at the PVC station?

17 A. Yes, he did.

18 Q. Was anyone else present when
19 Mr. Wingo spoke to you regarding the incident that
20 occurred at the PVC roll station?

21 A. I do not recall.

22 Q. What did Mr. Wingo say to you about
23 this incident at the PVC station involving
24 Mr. DeMien?

1 A. He denied that he was wasting time
2 and that he felt that he was unfairly written up.

3 Q. And Mr. Bishop, did he talk to you
4 about it?

5 A. Yes. Mr. Bishop did talk to me about
6 it.

7 Q. What did Mr. Bishop discuss with you
8 regarding the incident that occurred at the PVC
9 roll station?

10 A. He felt that Bob had stopped him to
11 help him move a roll, but he felt that it was
12 unfair that if they are both treated the same, but
13 he felt that it was unnecessary for him to receive
14 the write-up.

15 I did investigate the claim and
16 talked to other individuals and found nobody in
17 the warehouse was willing to testify that they
18 heard any swearing or that Mark was out of line in
19 his write-up.

20 Q. To your knowledge, did Mr. Bishop
21 obtain the permission of his immediate supervisor
22 to assist Mr. Wingo in handling this PVC roll for
23 which he received counseling?

24 MR. DISBROW: Objection. I think that

1 mischaracterizes earlier testimony.

2 You can answer, if you know.

3 BY THE WITNESS:

4 A. He did receive permission to assist
5 Bob in moving a PVC roll, but not to talk. That's
6 what the write-up was, wasting time to talk.

7 BY MS. WEGNER:

8 Q. Who was the immediate supervisor that
9 gave Mr. Bishop permission to assist Mr. Wingo in
10 handling the PVC roll?

11 A. Ray Dormill.

12 Q. And who did you interview to
13 investigate Mr. Warton's claim that Mr. DeMien had
14 sworn at him?

15 A. Ray Dormill and Sergio Garcia, along
16 with Mark DeMien.

17 Q. When did you interview Sergio Garcia
18 regarding what occurred at the PVC roll?

19 A. I don't remember the exact date.

20 Q. Did you ever make any notes about
21 your interview of Mr. Garcia?

22 A. More than likely, yes.

23 Q. If you made notes regarding your
24 interview with Mr. Garcia, what did you do with

1 those notes?

2 A. I don't recall. They may be in
3 either Bob's or Pat Bishop's record, but I don't
4 recall what I did with them.

5 Q. Did you ever ask Mr. Bishop whether
6 Mr. DeMien swore?

7 A. Yes, I did.

8 Q. What did Mr. Bishop say?

9 A. I believe he did say yes, but I don't
10 recall that for a fact.

11 Q. And why did you interview Sergio
12 Garcia to try and ascertain what occurred at the
13 PVC roll area between Mr. DeMien, Mr. Bishop and
14 Mr. Wingo?

15 A. I believe Pat Bishop gave me that
16 name as a witness to what occurred, so I followed
17 up and talked to him.

18 Q. Why did you interview Ray Dormill
19 regarding what occurred with respect to the PVC
20 roll incident?

21 A. As a potential witness and also as
22 the person that they claimed gave Pat permission
23 to assist.

24 Q. And did Mr. Dormill witness what

1 occurred with Mr. DeMien and Mr. Winger and
2 Mr. Bishop?

3 A. He was in an office adjacent. I did
4 not hear any swearing. All he could testify is
5 the fact he gave Pat permission to assist Bob in
6 moving the roll of PVC.

7 Q. Did you in this investigation of what
8 happened regarding the PVC roll interview Mr. Mark
9 DeMien?

10 A. Yes.

11 Q. And what did Mr. DeMien tell you when
12 you interviewed him regarding the PVC roll
13 incident?

14 A. Basically that he had talked to both
15 Pat and Bob earlier in the day and warned them
16 about wasting time, because they were talking.
17 And it was only on the second time that he caught
18 them wasting time and talking that he talked to
19 both individuals and provided them with the letter
20 of counsel.

21 Q. Did Mr. DeMien admit that he swore at
22 Mr. Wingo?

23 A. He did not admit to anything. He
24 denied swearing, let's put it that way.

1 Q. Now, what were the words Mr. Wingo
2 told you Mark DeMien used when he swore at
3 Mr. DeMien?

4 A. I honestly don't remember.

5 Q. So did you reach a conclusion in your
6 investigation of Mr. Wingo's complaints about the
7 conduct of Mark DeMien?

8 A. I talked to both Pat and Bob and told
9 them that I found no evidence to support their
10 claims.

11 Q. Did Mr. DeMien receive any discipline
12 as a result of Mr. Wingo's complaints regarding
13 Mr. DeMien's conduct?

14 A. No, I did not.

15 Q. Did you ever prepare a written report
16 of this investigation regarding the PVC roll
17 incident?

18 A. I don't recall putting together a
19 written report. I don't believe there was ever a
20 written grievance filed in the incident. I
21 believe everything was done verbally.

22 Q. Now, is it a violation of any Copper
23 and Brass Sales policy for supervisory or
24 managerial employees to swear at subordinate

1 job positions within the warehouse classification
2 had Mr. Wingo held during his 24 years of service
3 with Copper and Brass Sales?

4 A. To my knowledge, he has held every
5 one of them.

6 Q. To your knowledge, did Mr. Winger
7 ever function as a machine operator at the
8 Schaumburg location?

9 A. Not to my knowledge.

10 Q. What are the types of machines the
11 machine operators operate at the Schaumburg
12 location?

13 A. Currently, we have RBW saws, shears.

14 Q. Now, are all warehouse employees
15 required to complete production logs on a daily
16 basis?

17 A. Not all.

18 Q. Which warehouse employees are
19 required to complete production logs on a daily
20 basis?

21 A. We don't require our dock people or
22 side loader operators to do that. Our people that
23 are filling or packaging orders should fill out
24 production sheets. It is the same thing with our

1 machine operators that are filling orders.

2 Q. Well, are there exceptions? You say
3 should.

4 Machine operators and warehouse
5 persons, other than persons on the dock and the
6 side loaders, should fill out production logs
7 every day?

8 A. The guys on the dock because they are
9 not filling orders, they are loading trucks or
10 unloading trucks, aren't going to be filling
11 orders, so they won't be.

12 Machine operators, as long as they
13 are cutting material or shearing material, yes,
14 should be required to fill out production sheets.

15 Q. And are people that are filling,
16 packing on operating machines completing
17 production logs on a daily basis at the Schaumburg
18 location?

19 A. Yes.

20 Q. Is there a requirement that the
21 warehouse employees complete a certain number of
22 work orders per day?

23 A. Every day and every position is
24 different, so we couldn't put a requirement.

1 required to be placed on the production logs by
2 warehouse employees?

3 A. Employee name, I am going from memory
4 here, employee name, shift, date, work station,
5 work order number, number of pieces, number of
6 pounds and completion time.

7 Q. Is there a procedure in place at the
8 Schaumburg facility of Copper and Brass Sales to
9 determine what procedure is to be followed if an
10 employee is unable to complete an order that's
11 being worked on when that employee's shift comes
12 to an end?

13 MR. DISBROW: Can you read that back. I
14 don't think I caught all that.

15 (WHEREUPON, the record was
16 read by the reporter.)

17 MR. DISBROW: Thank you.

18 BY THE WITNESS:

19 A. In a processed order, the operator
20 would only take credit for the material that he
21 has finished.

22 In a nonprocessed order, the
23 warehouse would only take credit for the orders
24 that he has completed.

1 MR. DISBROW: Objection; form of the
2 question, it's vague, ambiguous.

3 You can answer it

4 BY THE WITNESS:

5 A. Some minor things. I mean, he has
6 taken credit for one work order three times rather
7 than put individual -- one single entry and put a
8 note down that it's three bundles or three boxes,
9 whatever type of package he used. Not all of them
10 have time slotted.

11 And then there is a gap at the very
12 bottom. And once again, there is a work order
13 number on the bottom that he didn't actually
14 package.

15 BY MS. WEGNER:

16 Q. And how can you determine from
17 looking at Exhibit No. 9 that there is a work
18 order at the bottom that Mr. Wingo did not
19 package?

20 A. Enter it into the computer system and
21 found that Sergio Garcia had actually packaged
22 that work order instead of Bob.

23 Q. On the last line of Exhibit No. 9,
24 Line 20, there are initials IG next to the work

1 order number.

2 Do you know who placed those initials
3 there?

4 A. I placed those initials there.

5 Q. What is the reason that you placed
6 the initials IG on Line 20 of the work order we
7 have marked as Exhibit No. 9?

8 A. That was the person who actually
9 packaged that work order.

10 Q. And I am sorry, how did you determine
11 that IG, the initials that you placed on Line 20,
12 was the person that packaged the work order?

13 A. I believe the initial assessment was
14 done looking at the computer, also look up the
15 yellow copy or the original copy of the work order
16 and see whose work was done on there and whose
17 initials.

18 Q. Can you explain what the initials PT
19 mean in the comment or special assignment section
20 of the production log?

21 A. Pool truck.

22 Q. What does that mean?

23 A. We have trucks that come from one
24 branch to another. We have a central hub in

1 BY MS. WEGNER:

2 Q. Thank you.

3 And do you know what the initials OT
4 means in the comment or special assignment section
5 of the work order we have marked as Exhibit 9?

6 A. And that is our truck. It means
7 that's delivered by one of our local trucks, it's
8 our truck, o-u-r, our truck.

9 Q. On Line 19 of the daily production
10 log, it appears that there are the initials MSP
11 next to the pool truck terminology.

12 Do you know what that means?

13 A. That is our Minnespolis branch.

14 Q. What caused you to do an
15 investigation into the production log that we have
16 marked as Exhibit No. 9 to determine that Isidro
17 Garcia did the packaging for the last work order
18 on that document?

19 A. After it was brought to my attention
20 that Bob had added work orders to other production
21 logs that he had not finished packaging, I took a
22 look at a random sample of November production
23 logs to see if there was a trend, and found two
24 other examples where Bob did the same thing.

1 Q. I'm sorry. Can you explain what you
2 mean when you say that he added work orders to
3 other production logs?

4 A. He added, other than the 28th and the
5 29th, which were the two that initially caught my
6 supervisor's attention.

7 Once we did that, I looked at other
8 production sheets that Bob had turned in during
9 the month of November and found other instances
10 that he had written down and taken credit for
11 packaging orders that he did not complete himself,
12 that somebody else had packed.

13 MS. WEGNER: This is going to be No. 10.

14 (WHEREUPON, a certain document
15 was marked Lunt Deposition
16 Exhibit No. 10, for identification,
17 as of May 29, 2008.)

18 BY MS. WEGNER:

19 Q. Do you recognize Exhibit No. 10,
20 Mr. Lunt?

21 A. Yes.

22 Q. Can you identify Exhibit No. 10?

23 A. Daily production log with the
24 initials RGW dated 11/20.

1 Exhibit No. 10?

2 A. I could not tell you that.

3 MS. WEGNER: This is going to be No. 11.

4 (WHEREUPON, a certain document
5 was marked Lunt Deposition
6 Exhibit No. 11, for identification,
7 as of May 29, 2008.)

8 BY MS. WEGNER:

9 Q. Do you recognize Exhibit No. 11?

10 A. Yes.

11 Q. Exhibit No. 11 is a document produced
12 by the Defendant, 00013.

13 Do you believe Exhibit No. 11 is a
14 production log completed by Mr. Wingo for
15 November 28, 2007?

16 A. Yes.

17 Q. Do you know whose initials appear in
18 the last two lines of the production log we have
19 marked as Exhibit 11?

20 A. I am not sure what you mean by the
21 last two lines.

22 Q. 16 and 17, where there is initials
23 placed next to the work order?

24 A. Are you referring to the initials

1 MEA?

2 Q. Yes.

3 A. Mark DeMien had placed those initials
4 and they are Mario Alvarez' initials because he is
5 the one that actually packaged, filled and
6 packaged these two orders.

7 Q. Do you contend there is anything
8 improper about the way Mr. Wingo completed this
9 daily production log dated November 28, 2007?

10 A. Yes. He took credit for packaging
11 two orders, put weights, times, pieces down and he
12 did not fill the orders.

13 Q. What are the orders you are referring
14 to that you think Mr. Winger improperly took
15 credit for on Exhibit No. 11?

16 A. 466844, 466883.

17 Q. What leads you to believe that
18 Mr. Wingo took credit for work order 446883 on
19 Exhibit No. 11?

20 A. The fact that he wrote down pieces,
21 pounds and a completion time.

22 Q. Isn't it true that also on Exhibit
23 No. 11 on Line 17 next to work order 466883,
24 Mr. Wingo wrote "set up, stamped, boxed"?

1 MR. DISBROW: Objection to the degree the
2 document speaks for itself, and on the grounds
3 that Mr. Lunt did not prepare this document and
4 may not know what Mr. Wingo was referring to.

5 But you can answer the question, if
6 you know.

7 THE WITNESS: Could you repeat the
8 question.

9 BY MS. WEGNER:

10 Q. Isn't it true that next to work order
11 No. 466883 in Exhibit No. 11 in the comments and
12 special assignment section, Mr. Wingo "wrote set
13 up, stamped, boxed"?

14 MR. DISBROW: Same objections.

15 BY THE WITNESS:

16 A. It appears he wrote that. I am
17 making the assumption he wrote it and nobody else
18 did.

19 BY MS. WEGNER:

20 Q. Did you ever conduct an investigation
21 to determine who wrote up set up, stamped, boxed
22 on Exhibit No. 11 on Line 17.

23 A. During our discussion with Bob, he
24 admitted that he filled out this production sheet,

1 yes.

2 Q. And it's your contention that
3 Mr. Alvarez actually completed the work order
4 process for work order 466883; right?

5 MR. DISBROW: You answer it, but I just
6 want to put the objection asked and answered.

7 BY THE WITNESS:

8 A. Yes.

9 BY MS. WEGNER:

10 Q. What part of this process was it that
11 Mr. Alvarez conducted with work order 466883?

12 A. He completed it and PK10'd it, put
13 the information in the computer and signed off on
14 the work order itself.

15 Q. So there were, to your knowledge, two
16 steps in the process to completing work order
17 466883 that Mr. Alvarez completed?

18 MR. DISBROW: Objection; mischaracterizes
19 his testimony.

20 You can answer, if you know.

21 BY THE WITNESS:

22 A. Without looking at the yellow copy, I
23 couldn't tell you what else that Mr. Alvarez had
24 done to this work order.

1 BY MS. WEGNER:

2 Q. And why is it that you contend
3 Mr. Wingo took credit for completing work order
4 466883?

5 A. He wrote it down on his production
6 log. He also put completion time.

7 Q. So, it's your understanding that the
8 completion time Mr. Wingo put down was the time
9 that he completed with respect to work order
10 466883?

11 MR. DISBROW: Just objection to the form of
12 the question. I don't think I understand the
13 question, frankly. Maybe that's me more than
14 anybody else.

15 But I think it's not clear, Jan, what
16 you mean.

17 MS. WEGNER: I think Mr. Lunt is the one
18 that said he wrote down he completed it, and I am
19 asking what is the "it" he is referring to,
20 Mr. Lunt.

21 BY THE WITNESS:

22 A. The fact that Bob would write down
23 the work order number, the number of pieces, the
24 number of pounds and the completion time tells me

1 he finished that order when he did that.

2 BY MS. WEGNER:

3 Q. What is it about looking at Exhibit
4 No. 11 and Line 17 that tells you that Mr. Winger
5 put a completion time which states that he
6 completed the order?

7 MR. DISBROW: I am just going to object
8 because it has been asked and answered a number of
9 times.

10 BY THE WITNESS:

11 A. I believe I have answered this.

12 MS. WEGNER: Okay.

13 BY MS. WEGNER:

14 Q. What training has been provided to
15 the warehouse employees at the Schaumburg facility
16 of Copper and Brass Sales regarding the
17 information to be placed on production logs?

18 A. I would guess that probably once
19 every year to two years, we go over this. There
20 are several postings that have been posted in the
21 building and we have had meetings over periods of
22 time to train people and refresh their memories in
23 how to properly fill out a production sheet.

24 Q. And the time that is expected to be

1 placed in the right-hand column on the production
2 log, is that supposed to be the time that the work
3 is completed?

4 A. Correct.

5 MS. WEGNER: Pat, would you mark that as
6 the next exhibit.

7 (WHEREUPON, a certain document
8 was marked Lunt Deposition
9 Exhibit No. 12, for identification,
10 as of May 29, 2008.)

11 MS. WEGNER: What is the Bates stamp number
12 on 12, is that 14?

13 MR. DISBROW: Yes, you got that right, Jan.

14 BY MS. WEGNER:

15 Q. And Mr. Lunt, can you identify
16 Exhibit No. 12?

17 A. Daily production log filled out by
18 RGW on November 29th.

19 Q. Exhibit No. 12 is a document produced
20 by the Defendant, Bates stamped 00014.

21 And do you recognize Exhibit No. 12
22 as a production log completed by Mr. Wingo on
23 November 29, 2007?

24 A. Yes.

1 Q. At Line 20 and below Line 20, there
2 are initials placed next to the back order numbers
3 on Exhibit 12.

4 Do you know who placed those initials
5 there?

6 A. Mark DeMien.

7 Q. Do you know the reason Mr. DeMien
8 placed the initials next to the work orders in
9 Line 20 and the line below that on Exhibit 12?

10 A. Two work order numbers that somebody
11 else had actually done the work and completed that
12 should not have been on this production sheet.

13 Q. Why is it that you contend that the
14 last two work orders listed on Exhibit No. 12
15 should not have been on Mr. Wingo's production
16 sheet or production log?

17 A. Excuse me for a second.

18 MR. DISBROW: Do you want to go off the
19 record?

20 MS. WEGNER: Sure.

21 (WHEREUPON, a recess was had.)

22 MS. WEGNER: Back on the record.

23 THE REPORTER: There is a question pending.

24 MS. WEGNER: Would you read it back,

1 please, Pat.

2 (WHEREUPON, the record was
3 read by the reporter.)

4 BY THE WITNESS:

5 A. Because he did not complete them.

6 BY MS. WEGNER:

7 Q. Is it your contention that Mr. Wingo
8 should not be writing work orders on production
9 logs where he does perform work on them?

10 A. If he does not complete them, he
11 shouldn't take credit for them.

12 Q. But were you not also requiring that
13 Mr. Wingo on his production log keep track of
14 everything he did during the day, including
15 clean-up and assisting other employees?

16 MR. DISBROW: Just objection to the degree
17 it mischaracterizes earlier testimony.

18 You can answer the question.

19 BY THE WITNESS:

20 A. He could put notes in the special
21 assignment, but at the same time, you can't take
22 credit for putting down a work order number, the
23 pounds packed, the pieces packed and the time
24 completed on it if he did not complete the order.

1 BY MS. WEGNER:

2 Q. Well, Mr. Wingo on Exhibit No. 12 did
3 not put down a time completed for the last entry,
4 work order 467012; isn't that correct?

5 A. Well, in that work station, he would
6 only work on one work order at a time. You have
7 to finish one before you start the next one. You
8 can only fill one order at a time.

9 So it would be inconceivable for him
10 to be working on two work orders at the same time
11 and, therefore, he couldn't put down both work
12 order 467112 and 467012 and not finish either one
13 of those.

14 Q. I'm sorry, you contend that Mr. Wingo
15 could only work on one work order at a time.

16 Haven't you cited him on prior
17 occasions for switching packing lists between
18 different orders that he had worked on?

19 MR. DISBROW: Objection as to foundation;
20 assumes facts not in evidence.

21 Answer the question, if you can.

22 BY THE WITNESS:

23 A. Two different situations. He PK'd --
24 he could pack both orders, PK10 both orders, then

1 A. A one-day suspension.

2 Q. And what was the reason Mr. Winger
3 received a one-day suspension on October 10, 2007,
4 as evidenced by Exhibit 16?

5 MR. DISBROW: I am going to object to the
6 degree the document speaks for itself, but you can
7 answer.

8 BY THE WITNESS:

9 A. Repetitive work order errors.

10 BY MS. WEGNER:

11 Q. Repetitive work order errors. Okay.

12 To your knowledge, was the order
13 contained in the work order identified in Exhibit
14 No. 16 one that was processed material?

15 A. I'm sorry, I am not sure what you are
16 asking here.

17 Q. Well, it says it was a processed work
18 order, it was cut material, so it should not have
19 gone to RBW MP?

20 A. But Bob packed anyway, even though it
21 was not processed. He failed to read and follow
22 work order instructions.

23 Q. Isn't it true that someone else
24 didn't read and follow work order instructions in

1 MR. DISBROW: I am just going to object to
2 the form of the question. This document goes back
3 to 2003.

4 You haven't indicated a time frame,
5 it's vague and ambiguous in its current form.

6 You can answer if you can.

7 BY THE WITNESS:

8 A. Again, it varies, the work order
9 error, the frequency of the work order error.
10 Everyone would handle it a little bit differently
11 as far as whether to do a verbal, a sitdown,
12 letter of counsel, sometimes just a blurb in his
13 training file to go over and make sure that the
14 employee understood what he did wrong and how to
15 correct that situation.

16 BY MS. WEGNER:

17 Q. Has Mr. Herrera ever received any
18 suspension for repetitive work order errors?

19 A. No, not that I am aware of.

20 Q. Is Mr. Herrera still employed at
21 Copper and Brass Sales?

22 A. Yes, he is.

23 MS. WEGNER: Pat, would you mark that
24 Exhibit No. 20.

1 Q. Page Bates stamped 696 seems to be a
2 different kind of employee report form in that
3 it's typed rather than on a printed form.

4 Did you prepare that document?

5 A. No, I did not.

6 Q. Are your initials contained on the
7 right-hand margin of Exhibit No. 20 Bates stamp
8 Page 696?

9 A. My initials are, yes.

10 Q. Your initials and your last name?

11 A. Yes.

12 Q. You have very nice handwriting?

13 A. Thank you.

14 MR. DISBROW: It's better than mine.

15 BY MS. WEGNER:

16 Q. Mr. Alvarez, is he still employed at
17 Copper and Brass Sales?

18 A. No, he isn't.

19 Q. When did Mr. Alvarez' employment
20 cease with Copper and Brass Sales?

21 A. I believe in January of 2008.

22 Q. And what is the reason that
23 Mr. Alvarez' employment with Copper and Brass
24 Sales ended in January of 2008?

1 A. Violation of an agreement with the
2 Company as far as last chance and basically an
3 altercation with -- a verbal altercation with
4 another employee.

5 Q. And when was the last chance
6 agreement that Mr. Alvarez was provided with which
7 he violated and was terminated?

8 Is it contained in one of these?

9 A. It's contained in your Exhibit 20.

10 Q. Okay.

11 MR. DISBROW: Did we just look at it?

12 THE WITNESS: Yes. It's dated
13 September 14, 2007 but signed on September 24,
14 2007.

15 BY MS. WEGNER:

16 Q. Oh, it's this Page 693?

17 A. Correct.

18 Q. So the fact that Exhibit No. 20,
19 Page Bates stamped 693, states that this letter
20 serves as your final warning, you believe
21 constitutes a last chance agreement?

22 MR. DISBROW: Objection to relevance. The
23 document speaks for itself.

24 You can answer the question.

1 arbitration. But in place of arbitration, prior
2 to the arbitration, Jim Rodriguez, Bob Wingo and
3 Pete LaRocco met in my office to try to resolve
4 this issue.

5 We were unable to come to an
6 agreement and Bob's termination became final.

7 Q. Do you recall when the meeting took
8 place with Mr. Rodriguez, Mr. Winger and
9 Mr. LaRocco regarding the third step?

10 A. Do I remember what date that was, no,
11 I don't.

12 Q. Who assumed any of Mr. Wingo's duties
13 after his termination?

14 A. Immediately after his termination,
15 that vacancy was covered with overtime.

16 Q. Who on overtime performed any of
17 Mr. Wingo's duties immediately following his
18 termination?

19 MR. DISBROW: Objection.

20 To the degree that you know. There
21 is a number of employees.

22 MS. WEGNER: Please don't be helping him.

23 MR. DISBROW: I stated my objection. I
24 think it's an unfair question. You can answer it,

1 if you can.

2 BY THE WITNESS:

3 A. Overtime was covered through
4 contract. The contract states that arc work gets
5 asked first. In this case, that would be Al
6 Herrera on third shift and Art Pachaco Flores on
7 second shift. And I am sure other individuals, if
8 they turned it down, would be asked.

9 BY MS. WEGNER:

10 Q. Did Tyler DeMien perform any of
11 Mr. Wingo's duties immediately after he was
12 terminated?

13 A. I don't recall. I don't believe so.
14 He is a side loader driver and would not be the
15 first person asked.

16 Q. And has there been a permanent
17 replacement for Mr. Wingo?

18 A. We, through the bidding process, had
19 people switch shifts to replace the people on
20 first shift that are initially Al -- Mario Alvarez
21 was one of the people brought from second shift to
22 first shift.

23 Q. And after Mr. Alvarez, who then took
24 the position that Mr. Winger had held?

1 MR. DISBROW: I am just going to object to
2 the form of the question. I think it
3 mischaracterizes his testimony.

4 But you can answer it.

5 BY MS. WEGNER:

6 A. There are no direct replacements
7 because the warehousemen are a pool of labor that
8 we pick from.

9 What we did was increased the numbers
10 of first shift people through the bidding process,
11 and switching people around from work station to
12 work station.

13 That position is currently being
14 filled by Mike Perrone.

15 Q. I'm sorry, by who?

16 A. Mike Perrone.

17 Q. And how long has Mr. Perrone been
18 filling the position that Mr. Wingo had held?

19 MR. DISBROW: Same objection.

20 You can answer the question, but same
21 objection, and I think it mischaracterizes the
22 testimony you just gave.

23 BY THE WITNESS:

24 A. A month to two months maybe.